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August 25, 2023

MEMO ENDORSED

Via ECF

The Honorable Katherine Polk Failla
United States District Court, S.D.N.Y.
40 Foley Square, Room 2103
New York, New York 10007

Re: Catalyst Advisors, L.P. v. Catalyst Advisors Investors Global, Inc. and Christos Richards; Civil Action No. 1:21-cv-04855-KPF

Dear Judge Failla,

As you know, our firm, along with Gordon, Fournaris & Mammarella, P.A., represent the defendants, Catalyst Advisors Investors Global, Inc. (“CAIG”) and Christos Richards (“Richards”; collectively “Defendants”) in the above-captioned action. Pursuant to the Court’s text order dated June 27, 2023, we write regarding the filing of our Motion for Summary Judgment and Memorandum of Law in Support of Defendants’ Motion for Summary Judgment and to seek leave to file certain exhibits thereto under seal.

Specifically, Defendants seek to file Exhibit 6, Exhibit 7, Exhibit 9, Exhibit 10, Exhibit 11, Exhibit 13, Exhibit 14, Exhibit 15, Exhibit 16, Exhibit 18, Exhibit 19 and Exhibit 20 to Defendants’ Memorandum of Law in Support of Defendants’ Motion for Summary Judgment under seal pursuant to Federal Rule of Civil Procedure 5.2, this Court’s Individual Rules, and the Protective Order entered into on December 22, 2022 (ECF # 40). We are concurrently filing the motion papers, with a Notice of Motion and Proposed Order (a word version of which is also attached) as directed, with the referenced exhibits excluded per Your Honor’s Individual Rules.

Plaintiff has either marked Exhibit 6, Exhibit 7, Exhibit 9, Exhibit 10, Exhibit 11, Exhibit 13, Exhibit 14, Exhibit 15, Exhibit 16, Exhibit 18, Exhibit 19 and Exhibit 20 as “Confidential” and/or “Attorney’s Eyes Only” pursuant to the Protective Order or they contain information from other documents or communications marked “Confidential” and/or “Attorney’s Eyes Only.” Presumably, in Plaintiff’s view, these exhibits contain financial information the public dissemination of which may cause business, commercial, or financial harm to Plaintiff if publicly filed. Defendants do not necessarily share that view but this request is in keeping with the Protective Order.

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As such, Defendants respectfully request that Exhibit 6, Exhibit 7, Exhibit 9, Exhibit 10, Exhibit 11, Exhibit 13, Exhibit 14, Exhibit 15, Exhibit 16, Exhibit 18, Exhibit 19 and Exhibit 20 be filed under seal.

Respectfully submitted,

/s/ Lainie E. Cohen
Lainie E. Cohen, Esq.

cc: counsel for Plaintiff via ECF

Application GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket number 78.

Dated: August 28, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE